

February 8, 2013

Ms. Sandra Manning
Project Manager, Regulatory Branch
Department of the Army
Seattle District, Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

RE: Response to the Alternatives Analysis for the McMillin Bridge

Dear Ms. Manning,

Thank you for distributing the revised alternatives analysis WSDOT prepared for the McMillin Bridge. The following constitutes our response to this analysis. The Washington Trust for Historic Preservation appreciates the role the Army Corps of Engineers has played in facilitating Section 106 consultation.

After scrutinizing the revised alternatives analysis WSDOT has provided, we conclude that Alternative 1 is the only appropriate outcome for the McMillin Bridge. All parties engaged in the Section 106 process have repeatedly affirmed the bridge as a nationally significant historic resource. It is the only known standing example of a Pratt concrete through truss bridge in the United States. The conceptual design of the bridge is attributed to Homer Hadley, recognized as Washington State's most innovative and important bridge engineer. In 1993, the Washington State Historic Bridges Recording Project, in partnership with the Historic American Engineering Record (HAER), documented the bridge. Measured drawings and contemporary large format photography accompanied a detailed narrative of the bridge's history. Together with historic photos taken during construction of the bridge in 1934, the HAER documentation informs our understanding of the bridge as a structure of national importance.

Because the Washington Trust believes Alternative 1 is the only appropriate outcome, our response, in the interest of brevity, will be limited to considerations/concerns associated with this alternative. In its alternatives analysis, WSDOT considers six factors: Historic Stewardship, Fiscal Stewardship, Engineering Feasibility, Tribal/County Stewardship, Environmental Stewardship, and Risk. Presented as they are, the implication is that these factors carry equal weight in determining a preferred course of action for WSDOT. But because the Section 106 process is in place to specifically address identified historic resources and the impacts an agency undertaking will have on a particular resource, the factor assessing historic stewardship necessarily takes precedence

over the others. Alternative 1 is clearly the most favorable outcome from the perspective of historic stewardship, as it would leave the bridge in place, retaining qualities of integrity as defined by the National Register of Historic Places related to location, setting, feeling and association.

WSDOT also concludes that the engineering feasibility of Alternative 1 is high. This is evident, as the bridge would remain in place, avoiding the need to relocate, disassemble, demolish or otherwise remove the structure. Relatively minimal cosmetic rehabilitation under this alternative would be required, although some debate exists as to the degree of rehabilitation needed and the length of time that would pass before additional rehabilitation would be required. On the technical aspects of this, we defer to comments submitted to the USACE by Mr. Robert Krier dated February 1, 2013. As a retired bridge engineer, Mr. Krier's understanding of technical issues exceeds ours.

Similarly, we defer to Mr. Krier's comments related to the factor assessing environmental stewardship. While WSDOT assesses Alternative 1 as low in terms of environmental stewardship, much discussion has surrounded the degree to which the McMillin Bridge constricts the river, increases scour, impacts habitat and generally affects river flow. We support Mr. Krier's statements on this issue, concur that the former railroad bridge now serving as the Foothills Trail Bridge is the greater 'pinch point,' and agree that questions remain regarding the degree to which the McMillin Bridge negatively impacts the river. We do note that when asked at the July 13, 2011 meeting of the consulting parties whether there were any incidents on record of accumulated debris, flood waters, or other river conditions creating an obstruction at the McMillin Bridge, WSDOT responded that to their knowledge, no such incidents had ever occurred.

On the issue of tribal/county stewardship, WSDOT notes that the Puyallup Tribe along with Federal resource agencies opposes retention of the bridge in place. This stance is understandable given environmental concerns surrounding construction of a new bridge - opposition to retaining the McMillin Bridge in place stems from the requirement that WSDOT mitigate the adverse environmental impact resulting from construction of the new bridge. Yet there is no written policy adopted on the part of WSDOT committing the agency to remove an existing bridge when constructing a new bridge. Alternative opportunities do exist for WSDOT to mitigate impacts resulting from new bridge construction, including off-site mitigation. To date, WSDOT has not presented such possibilities to the consulting parties. It is conceivable that off-site mitigation opportunities exist that would result in more desirable environmental benefits than those offered by the removal of the McMillin Bridge. Lastly on this subject, WSDOT notes Pierce County on record as opposing Alternative 1. While the county has clearly declined any ownership role in the future of the bridge, we do not recall any instance whereby the county has opposed retention of the bridge in place. We ask WSDOT to provide reference for such statements.

This leaves two factors: fiscal stewardship and risk. The two are related, as both pertain to future financial obligations WSDOT would assume were the bridge to remain under agency ownership: the

capital cost of ongoing maintenance/inspections and the possibility of costs incurred through legal liability.¹ Regarding capital costs, Alternative 1 is less costly than WSDOT's preferred action of bridge removal. Demolition costs are estimated at \$500,000, while WSDOT estimates the short-term rehabilitation costs and maintenance to be \$200,000. Ongoing operational costs are subject to debate, but what the analysis omits is the future potential to engage in a partnership situation whereby volunteers or other jurisdictions assist with operational expenses such as regular clean-up, etc. Nor does the analysis include the potential for future grant funds related to such efforts. At the very least, in the short-term the capital costs to WSDOT for Alternative 1 are less than those associated with demolition of the bridge.

In terms of liability, we reiterate the precedent set by WSDOT's continued ownership and operation of the Indian Timothy Memorial Bridge. While differences exist in the two cases (no two cases, after all, are alike), WSDOT has presented no data to indicate a similar ownership situation would be infeasible. In its analysis, the agency references state mandates to 'manage potential tort liability.' But it does not reference other state policies aimed at historic preservation.²

The most important point we would like to emphasize lies outside of WSDOT's alternatives analysis. From the beginning, removal of the McMillin Bridge was intended to serve as mitigation for the adverse environmental impacts construction of the new bridge would have on the riparian environment. In building a new bridge, certain elements detrimental to the river would be present. These elements, however, were almost entirely related to the construction period, and will therefore be temporary in nature. This does not diminish WSDOT's responsibility to mitigate the adverse impacts, a responsibility that can be fulfilled in a variety of ways. Removing the McMillin Bridge is one way to achieve this, but in so doing it creates the need for further mitigation given the incredible historic significance of the bridge. In terms of scale, the temporary adverse environmental impacts related to construction of the new bridge pale in comparison to the adverse environmental impact created by demolition of the historic McMillin Bridge. Simply put, it is bad policy to opt for mitigation that would lead to additional mitigation greater in scope than that required by the initial project undertaking.

In responding to WSDOT's alternatives analysis, Alternative 1 remains the appropriate course of action for the McMillin Bridge. Yet the analysis fails to include an option available in this

1. In fact, cost is WSDOT's primary concern over retention of the McMillin Bridge. This is supported by the agency's statement at the end of the Alternatives Analysis Executive Summary that "WSDOT would not oppose preservation in place...should a capable and willing entity...undertake ownership and maintenance obligations." This statement also confirms that tribal/agency opposition to the bridge remaining, while a valid concern, is secondary in priority, can be addressed by other means, and has less to do with the McMillin Bridge and more to do with the proposed new construction.

2. Section 456.08(8) of WSDOT's Environmental Procedures Manual states that demolition of historic bridges should be considered a last resort. Additionally, the State of Washington includes a policy directing state agencies to "designate, preserve, protect, enhance and perpetuate" historic resources (RCW 27.34.200). Nowhere are these directives balanced against liability concerns.

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circumstance: separating removal of the McMillin Bridge from construction of the new bridge for permitting purposes. The McMillin Bridge need not be removed to construct the new bridge. Quite the opposite – WSDOT cites the existence of the McMillin Bridge as a benefit for the new construction, in that the existing bridge can be retained for vehicular traffic while construction of the new bridge proceeds. Indeed, this avoids the need for expensive and inconvenient detours. Removal of the McMillin Bridge, therefore, is only included as mitigation for adverse impacts created (temporarily) by the new bridge – mitigation that can be achieved in other ways.

Seen in this light, the need to choose any scenario involving the McMillin Bridge is a false choice. The McMillin Bridge, given its historic significance and the undeniable adverse effect that would be created by its removal, should not be part of the discussion. The Washington Trust does not oppose construction of the new bridge nor do we oppose the issuance of a permit for this purpose. What we oppose is misconstruing the situation to suggest that construction of the new bridge necessitates removal of the McMillin Bridge. This is clearly not the case. If, following construction of the new bridge, WSDOT continues to feel compelled to remove the McMillin Bridge, it should be considered a separate undertaking requiring the initiation of Section 106 review independent of other activity.

Thank you for your continued attention to this matter. The Washington Trust looks forward to continued discussions and is available to attend additional meetings as required.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Moore". The signature is fluid and cursive, with the first name "Chris" being more prominent than the last name "Moore".

Chris Moore
Field Director

Cc: Chris Jenkins, USACE
Roger Kiers, WSDOT
Matthew Sterner, DAHP